

PLANNING BOARD DECISION

Property Ownership: **City of Amesbury
62 Friend Street, Amesbury MA 01913**

Applicant: **City of Amesbury
62 Friend Street, Amesbury MA 01913**

Application Type: **SITE PLAN REVIEW**

Project: **Amesbury Elementary School**

Location: **193 Lions Mouth Road, Amesbury, MA 01913**

Date: **February 08, 2021**

A. GENERAL

On or about January 27, 2021, the Amesbury Planning Board (the "Board") received an application for Site Plan Review requesting to construct a new Elementary School ("Project") at 193 Lions Mouth Road in Amesbury MA. The application was submitted along with a Site Plan (the "Plan") drawn on January 27, 2020 by Dinisco Design, 99 Chauncy Street Suite 901, Boston, MA 02111, and last revised on January 6, 2021 and submitted along with supporting documents by Dinisco Design on behalf of City of Amesbury (the "Applicant"). The set of plans consists of seventy-four (74) sheets and includes civil, architectural and landscaping plans.

The Board held the initial public hearing on March 9, 2020, with subsequent public hearings on November 16, 2020, December 14, 2020, January 11, 2021, and January 25, 2021. The public hearing was closed on January 25, 2021 and a decision was rendered on February 8, 2021.

This is the Final Action of the Board (“Decision”) on the Site Plan application.

B. FINDINGS:

1. **Subject Property:** The Property is located at 193 Lions Mouth Road and is identified on the Assessors Database as Map 50, Lots 6, 16, 42 and Map 37, Lot 4. The parcels is zoned Open Space Conservancy (OSC). The subject property consists of 35.30 acres on the existing Cashman Elementary School (CES) site and 2.51 acres on the Woodsom Farm parcel for a total area of approximately 37.81+/- acres. The portion of Woodsom Farm being used for this project was designated for municipal purposes by the Amesbury City Council. The parcel has frontage along Lions Mouth Road;
2. **Existing Conditions:** The site is currently occupied by the 61,472 SF Cashman Elementary School (CES) and two (2) little league play fields. The existing building having a footprint of 41,455 SF is located on the eastern portion of the site and abuts wetlands to the north and northwest, a residential neighborhood to the south and the Woodsom Farm, one of the largest open space areas in the City of Amesbury and owned by the City, to the west. The site is sloped towards the wetlands to the north/northwest. The existing grades to the north and northwest create a natural area that channelizes surface runoff from the Woodsom Farm and the hills surrounding this area;
3. **Project Description and Proposed Use:** The new Amesbury Elementary School (AES) is proposed to be built on an existing City owned site shared with the existing CES located at the Project Site. The new school facility is a 98,195 square feet building with a footprint of 36,895 square feet and consists of three levels. The new elementary school is designed to be a PK, K-2 grade configuration for 425 students. The entire site abuts the Woodsom Farm on the northwest and the Essex County Greenbelt Association along the northeast boundary. The proposed work includes the new school building, paved drives and parking, children's play surfaces, stormwater management, landscaping and redevelopment of some of the previously altered buffer area. The limit of work consists of approximately 15 acres out of the total site area. The project proposal does not include rehabilitation or demolition of any existing buildings.

4. **Site Layout, Grading and Building Location:** The school is located northwest of the existing Cashman Elementary School. The area west of the existing Cashman School will be developed into additional parking for the new school. The project will require the relocation of the two existing little league fields to provide the building area for the AES. One of the major changes to the site is the vehicular circulation pattern on site. The existing drive access will continue to be used as the main access to the existing Cashman as well as the new AES. A new drive is proposed at the southeast corner of the Woodsom Farm parcel. The site plan application and supporting materials indicate that the proposed arrangement of shared parking areas and driveways along with other site improvements (including but not limited to, dedicated vehicular drop-off areas for each school, a shared bus drop-off, and new playgrounds for the AES) have been made to use the site in the most efficient and safe manner. The Preferred Schematic Report dated January 02, 2019 prepared for the Massachusetts School Building Authority documents the School District's selection and recommendation for a preferred solution for the new Amesbury Elementary School. The Board notes that it has had no input in the findings, evaluation of the alternatives or any of the recommendations stated in the above mentioned report pertaining to the potential sites considered, including the proposed location for the construction of the new AES;
5. **Environmental Resource Protection:** The Project is subject to review by the Amesbury Conservation Commission (ACC) under the local and state regulations. As the wetlands data and Notice of Intent (NOI) application have been reviewed by consultants retained by ACC, the Board did not undertake separate review of work within the ACC regulatory jurisdiction. The Board has determined that it will incorporate the Order of Conditions and terms therein by reference here to ensure that the proposed development and improvements within environmental jurisdiction areas are made with no detrimental impact to environmental resource areas or otherwise endanger public health;
6. **Stormwater Management Design:** The stormwater resulting from the proposed site development and associated improvements is proposed to be treated and/or discharged into new storm water catch basins, bio-retention basins and infiltration chamber systems as shown on the site plan. The Applicant states that the project will include Stormwater Best

Management Practices (BMPs) to comply with the various local and state stormwater laws and regulations such that there will be no increase in stormwater discharges as required by such laws and regulations. Based on the testimony of the Applicant's engineering design team and the Board's peer reviewer, the Board finds the following:

- a) The proposed stormwater management system as further revised during the application review and as approved herein is in substantial compliance with the various local and state laws and regulations pertaining to stormwater management, provided the proposed system is built as described, designed and shown on the final site plan;
 - b) The use of the porous pavement system (PPS) in the area of the parking lot of the new school is a critical piece of the stormwater management system. The use of a traditional asphalt pavement system would be impossible given the amount of fill that would be required to elevate the parking area and new school to a level high enough to accommodate a more traditional subterranean storm water management system typically used in conjunction with a standard asphalt paving system. Therefore, the proper installation and maintenance of the PPS system is critical to ensure the stormwater system is providing the proper flooding protection not only to the buildings on the school campus but to any downstream neighbors.
 - c) Following the proper manufacturers / installers / peer reviewers maintenance recommendations, reporting on the completion of proper maintenance and checks to insure that the system is working effectively is crucial or there is likelihood that the stormwater management system will fail or potential negative impacts downstream on abutting properties in the neighborhood.
7. **Water and Sewer Services:** A new water main loop will run through the site to connect at the existing water main on Lions Mouth Road to add capacity for domestic and fire service to the new facility. The sewer service for the new building will be gravity fed to the existing onsite pump station. The project will upgrade the existing duplex ejector pump within the pump station, which, according the Applicant is beyond its useful life. The ejector pump will then pump the sewer up and into the City sewer main on Lions Mouth Road. The City's DPW and Water Department have indicated the proposed improvements are

acceptable and recommend approval of the proposed site plan showing these utility upgrades;

8. **Traffic and Circulation:** The Applicant presented detailed information on the changes proposed to the existing circulation pattern for the CES and the new parking and vehicular movement patterns on the AES portion of the site. Additional capacity has been created for cars to queue around the CES parking lot. During pickup and drop off, the vehicles will enter from the easterly drive and exit from the westerly drive. There are additional improvements proposed off-site. A sidewalk will be built separate from this project to connect the two drives. Other intersection and sidewalk improvements are proposed along Lions Mouth Road, Highland Street and Friend Street intersection area. Given the building location, parking and circulation needs, the Applicant indicated that additional efficiencies were created by adding additional lanes and using one-way traffic patterns. The Board has largely depended on the testimony of public safety and School Department officials, and will use its peer reviewer's comments and recommendations on traffic to determine satisfactory compliance with traffic and circulation requirements;
9. **Building Design and Space Programming:** The project includes the construction of a new 98,195 SF three level building. The new school's exterior will be traditional brick with colored masonry and painted metal panel accents that, according to the designer, evoke modern-day traditional public building architecture. The Application indicates that the square footage allowed for each space is mandated by MSBA and has been approved by MSBA, the Amesbury School Committee and the Amesbury School Building Committee. The Board has relied upon the approval of the proposed building design by the School Building Committee and City public safety officials as it pertaining to spatial arrangement, safe access and egress and other building safety requirements;
10. **Landscaping:** A landscaping plan was submitted along with the Site Plan. The Board discussed the need for additional trees along the Woodsom Farm to provide some vegetative buffer in between the natural landscape and built environment. In order to reduce the heat-sink effect, trees with large canopy were incorporated into the parking

areas. The Board also finds that the grass strips and trees in between the sidewalk and travel lanes provide additional physical safety zones for school kids and other pedestrians. The Board finds that once the landscape design changes (Exhibit #1 - #3) have been incorporated into the Final Plans, the purpose and intent of the landscape requirements would be satisfied.

Based on the findings noted above, the Board finds that the Project satisfies the Site Plan Review criteria under Section XI.C of the Amesbury Zoning Bylaw (the “Bylaw”).

C. WAIVERS

By memo dated 1/6/2021, the Applicant provided the Board with an updated list of waivers sought from the specific provisions of Amesbury's Zoning Bylaw. The Board has endeavored to grant waivers from those rules and regulations, only to the extent necessary, where the waivers are consistent with the purpose and intent of the regulations and would not threaten public health, safety or welfare and to minimize harm and disruption to the locus and real property abutting the locus. In the event that further waivers are required, the Applicant shall submit a written request for such waiver(s) to the Board and the Board may grant or deny such additional waivers in accordance with applicable rules and regulations in effect at that time. The waivers listed in Table 1 are the only waivers granted to the extent necessary to construct the project as per approved site plan(s):

TABLE 1:

Section(s) of Zoning Bylaw	Requested Waiver	Decision of the Board
Section XI.C.10.n.1 – Requires pipe material be reinforced concrete and that a minimum of three (3) feet of earthen cover be provided over pipes.	To allow <ul style="list-style-type: none"> a) provision of less than three (3) feet of earthen cover over drainage piping as stipulated below b) the use of HDPE material for piping in lieu of the required reinforced concrete material for pipe segments provided with a minimum of 2.5 feet of cover. c) the use of Class V RCP material for piping provided with earthen cover ranging between 1.8 and 2.5 feet. 	Granted to the extent necessary provided all site and building improvements are carried out as per approved plans
Section XI.C.8.a.3 – Curb cut width	To make improvements to the existing 58 feet wide curb-cut and reduce it to 56 feet including a 12 feet landscaped median as shown on the revised driveway sketch	Granted to the extent necessary provided final site plans are updated to incorporate the driveway sketch as approved

D. APPROVAL OF THE SITE PLAN AND CONDITIONS THERETO

Upon notice and after a public hearing in accordance with the statute (General Laws, Chapter 40A, section 11) and the Amesbury Zoning Bylaw, and after full consideration of the evidence presented, and upon the findings made in Section B of this Decision, the Board shall grant a conditional Site Plan Approval for the proposed Amesbury Elementary School located at 193 Lions Mouth Road in Amesbury MA as shown on the approved Plan further upon the conditions and hereinafter set forth, for the premises described in the application.

I. COMPLIANCE WITH LOCAL, STATE AND FEDERAL REQUIREMENTS:

The Project and all construction, utilities, roads, drainage, earth removal and filling and all related appurtenances with respect to the Project, shall comply with all applicable local, state and federal regulations except as waived specifically by this Decision. The Applicant shall be responsible for acquiring all other local, state and federal permits and approvals as necessary to construct the Project as approved by the Board. Final action on all other permits shall be submitted to the Board for record. The Board notes that the following are some of the permits needed for this Project prior to start of any construction activity:

1. Compliance with the Massachusetts Wetlands Protection Act and related regulations, G. L. c. 131, § 40-40A, and the Amesbury Wetlands Ordinance and Regulations;
2. Compliance with DEP Stormwater Regulations, as needed; and
3. National Pollutant Discharge Elimination System (NPDES) permit from Environmental Protection Agency.

II. GENERAL AND IN PERPETUITY CONDITONS

1. **Allowed Uses**: This Site Plan Approval pertains only to the new AES building and site improvements shown on the approved site plan;
2. **Landscape Buffers** –The final plan shall be submitted for review and approval prior to start of construction;

3. **As-built Plans:** To ensure compliance with the terms and conditions of this Decision and any approval or order by any federal or state agency, the Applicant shall submit to the Board complete and detailed Progress "As-Built" Plans with its request for a Certificate of Occupancy. Prior to issuance of a Certificate of Completion by the Board, the Applicant shall have prepared and submitted Final As-Built Plans, which shall indicate the actual location of permanent monuments; inverts and location of required utilities and drainage; location of all underground utilities; and location of all permanent structures. The accuracy of such Final As-Built Plans shall be certified by a Land Surveyor or a Professional Engineer, Registered in the Commonwealth of Massachusetts, retained by the Applicant. Any damage to public roads and walkways shall be repaired and/or replaced to the satisfaction of the Director of Public Works.
4. **Site Plan Modifications:** Prior to addition or alteration of uses not allowed by this Site Plan Approval, the Applicant shall provide detailed information and plans along with a formal written request for modification to the approved Site Plan for determination of minor or major modification and approval by the Board. Any substantial modifications to the approved Site Plan or changes that impact the criteria under Section XI.C or the Performance Standards under XI.C.8 or conditions of approval of this Decision shall be subject to review and approval of the Board. The Board shall, if it so determines, require the applicant to submit a new application for modification to the approved Site Plan and may hold a new public hearing for review of the requested modifications;
5. **Wetland Permitting:** In order to effectively coordinate and integrate the required observation and inspection reports for this project, the Board recognizes that the Plan(s) shown under the Notice of Intent Application (as revised) and the Order of Conditions, issued by the Amesbury Conservation Commission, shall also be carried out to the satisfaction of the Commission or its agents. Also,
 - a. Except as waived by this Decision or a decision of the Commission, the construction of this project shall comply with the Amesbury Wetlands Bylaw and Amesbury Conservation Commission Regulations in effect at the time any building permit is sought for the project or for any jurisdiction for roadway-associated construction,

and with all rules, regulations, filing and permit requirements and certifications of the Commission with respect to natural resource protection, construction of storm water management structures within the Buffer zone and their disposal, construction of other structures including retaining walls within the Buffer Zone, and wastewater disposal;

- b. Any request for alteration to the Order of Conditions made by the Applicant to the Commission (or to Massachusetts Department of Environmental Protection (Mass DEP), upon appeal) shall be simultaneously provided to the Board. The proposed work shall comply with the "Order of Conditions" issued by the Commission upon the said premises;
- c. The Order of Conditions from the Commission shall be carried out to the satisfaction of the Commission. Any violation of the Order of Conditions issued by the Commission shall be deemed to be a violation of this Approval, with all remedies to the City of Amesbury as provided by law;

6. **Stormwater Management System:** The following requirements shall be met:

- a) The application of sand to the porous pavement parking area should not be allowed to avoid premature clogging of the porous pavement.
- b) The Operation and Maintenance (O&M) Plan dated 2/7/2020, last revised 12/1/2020 shall be incorporated into the project requirements by reference. The budget estimate included in the O&M Plan shall be utilized by pertinent School and City Departments for initial budgeting of required maintenance and inspection of the stormwater management system.
- c) Porous Pavement System (PPS) and Stormwater Maintenance: The Applicant shall provide evidence in writing along with all supporting documents to establish that the proper maintenance schedule, use of correct snow / ice mitigation materials and generally ALL of the manufacturers recommendations and requirements for maintenance, cleaning and proper products to be used on the PPS and all of the stormwater management system as a whole have been done during the prior year. This evidentiary report shall be provided to the Board for review on an annual

basis no later than November 1st every year for a minimum of 5 years from the date of issuance of Certificate of Occupancy for the new building.

- d) If any failure to report on the completion of proper maintenance or there being any other evidence that the PPS system is not working effectively enough to ensure the protections to the downstream neighbors upon inspection by the Board's inspectional engineer, then the applicant shall be required to establish an escrow account that will be funded with a minimum amount equal to that of at least 1 year of annual maintenance of the entire stormwater management system in advance for the following 5 years and shall extend the monitoring and reporting requirements for an additional 5 years from the first instance of maintenance failure.
7. **Fill Materials:** The project requires approximately 36,000 cubic yards of imported fill. Given the quantity of material involved, the following items shall be incorporated into the project specifications:
- a) Documentation and tracking records of earthen material sources.
 - b) Specifications to require only clean natural earthen material free of cinders, brick, concrete and other deleterious material.
 - c) Testing records to confirm that the material utilized on the project satisfies the desired quality requirements.
8. The Applicant shall provide copies of the Construction Period Pollution Prevention & Erosion Control Plan (CPPP) and the project Stormwater Pollution Prevention Plan (SWPPP) in advance of any construction activity for review and approval by the Board's engineering review consultant. The approved documents shall be incorporated into the project construction documents;
9. The Long Term Pollution Prevention Plan (LTPPP) shall be incorporated into the project construction documents;
10. **Traffic Studies and Improvements:** The recommendations from the Board's Traffic Peer Review by VHB dated 12/14/2020 are incorporated here by reference as conditions of approval. Further, the off-site improvements related to sidewalk and intersection

reconfiguration and reconstruction as shown on and included in information package submitted on Sep 29, 2020 (Exhibit #4) shall be required to be completed no later than 12 months from the issuance of the Certificate of Occupancy for the new AES building.

11. The sidewalk proposed to be constructed along Lions Mouth Road to connect the two drives in this project shall be constructed and built prior to the issuance of the Certificate of Occupancy for the new AES building.
12. Peer Review Fees: Any and all outstanding invoices for peer review services shall be paid in full prior to start of any construction activity.

III. PRIOR TO START OF ANY CONSTRUCTION ACTIVITY ON SITE

The Applicant shall file with the Board and all other relevant public agencies for review and for consistency with this Decision any documents and shall have completed the following actions:

1. **Revisions to the Final Site Plan and Supporting Documents:** The Final Site Plan shall be revised to address the following outstanding items through the supplemental review and approval process and as part of submission of Final Plans to the Board.
 - a) Engineering Review Memo dated 1/21/2021: The outstanding comments under Drainage shall be addressed;
 - b) Site Lighting Details: The project details shall be revised to incorporate the 'Site Lighting Fixture Base Detail' provided in sketch form by Dinisco Design, dated January 6, 2021. The detail indicates a 6 inch vertical exposure on light pole bases.
2. **Retaining Walls:** Any retaining walls over four (4) feet shall be designed by a structural engineer and accompanied by supporting documentation indicating that the existing soils and fill are appropriate for the proposed design. Additional test pits and accompanying data shall be supplied with the retaining wall design and details, if construction drawings change or revisions are required to the approved Final Plans;
3. **Erosion Control Barriers** - Prior to the commencement of any site work (excluding any work within the existing building), an erosion control barrier (12 inch Fiber Log and Silt

Fence as per approved erosion control plan) shall be installed to include and upto the limit of work as shown on the approved Final Plan. The erosion control barrier shall be inspected by the ACC representative prior to commencement of site work and shall be maintained until all disturbed areas have been stabilized to the satisfaction of the Board and its representatives.

IV. DURING CONSTRUCTION

The following shall apply to all construction activity as per approved Site Plan:

1. **Stockpiles** - Earth material stockpiles shall not be allowed immediately adjacent to perimeter siltation barriers or drain inlets. Long term stockpiles over 30 days shall be shaped, stabilized and circled by 12 inch Fiber Log and Silt Fence where applicable and shall be stabilized by temporary seeding, sheeting or netting;
2. **Repair and Cleanup**: The existing roadways shall be kept clean of all earth materials during the construction phase. Any damage to public roads and walkways shall be repaired and/or replaced to the satisfaction of the DPW Director and City Engineer;
3. **Utility Trenches** - Utility trenches within the public Right of Way shall be saw-cut prior to excavation. Open trenches shall be backfilled with bank gravel and compacted to 95%. Trenches shall be paved with asphalt binder to a minimum depth of three (3) inches and overlaid curb to curb to a minimum depth of one and half (1.5) inches. Water service trenches shall be infrared joint paved. The Director of DPW and the City Engineer shall have the final signoff on the right of way improvements and any change to these standards or those shown on approved plans shall be subject to their review and approval;
4. **Construction Activities** - During construction, except within the individual building envelopes, the Applicant and its agents and employees shall conform to all local, state and federal laws regarding noise, vibration, dust and use of public roads and utilities. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area and maintain safe and adequate vehicular access on Lions Mouth Road.

Construction shall not commence on any day Monday through Saturday before 7:00 AM. Construction activities shall cease by 6:00 PM Monday through Friday and by Noon on Saturday. The work day may be extended to a full day on Saturdays, with prior approval of the Building Inspector. No construction or activity whatsoever (except for interior finishing) shall take place on Sunday; and

5. **Erosion Control and Stormwater Maintenance Requirement:** The Applicant's designee or assignee shall on a quarterly basis submit interim reports and supporting documents to the Board showing that requirements for stormwater system maintenance are being adhered to according to the approved SWPPP and NPDES Permit as well as other requirements of the Stormwater Management regulations, as applicable included here by reference.

V. PRIOR TO MAKING REQUEST FOR AN OCCUPANCY PERMIT

The Applicant shall file with the Board and all other relevant public agencies for review and for consistency with this Decision any documents and shall have completed the following actions:

1. **Certification of Improvements** - The Applicant shall request the Board for a Certificate of Improvements and submit it to the Building Inspector from the Board verifying that conditions of approval have been met and that construction to date is per the approved plans;
2. **Landscape Installation** - All site improvements, including landscaping and street trees shall be completed and installed as per Final Plans. The Landscaped Architect for the project shall submit a certification that the trees, shrubs and screening plants have been installed as per approved Final plans. All proposed trees shall be placed in position or staked out for approval by the Board prior to digging;
3. **Infrastructure Improvements:** The Applicant shall provide a written certification from its project engineer that the sewer pump upgrades as approved by this Decision have been completed and signed off by the City's water and sewer department. The Applicant shall

request written confirmation from the City Engineer and DPW Director that the finished construction of all utilities and municipal structures located within the public right of way or easement areas are adjusted to appropriate finished grade, and are adequately accessible for future maintenance;

4. **Public Way Repairs:** Any damage to public roads and walkways shall be repaired and/or replaced to the satisfaction of the DPW Director and City Engineer;
5. **'As-Built' Plan:** The preparation of an 'As-Built' plan (to be incorporated into the Operation and Maintenance Plan), should be submitted for Planning Board review and approval. Furthermore, the 'As-Built' Plan should be accompanied by a report from the Engineer of Record indicating whether the overall site construction (in general) and the stormwater management and drainage construction (in specific) complies with the design intent for the project. An Interim As-built Plan may be submitted if all improvements shown on the approved Site Plan have not been completed at the time of requesting an Occupancy Certificate.

Chair, Amesbury Planning Board

EXHIBITS

Exhibit #1:

Revised Plant Material as presented to the Board on 01/25/2021

Exhibit #2:

Eastern Driveway – Revised Design, as presented to the Board on 01/25/2021

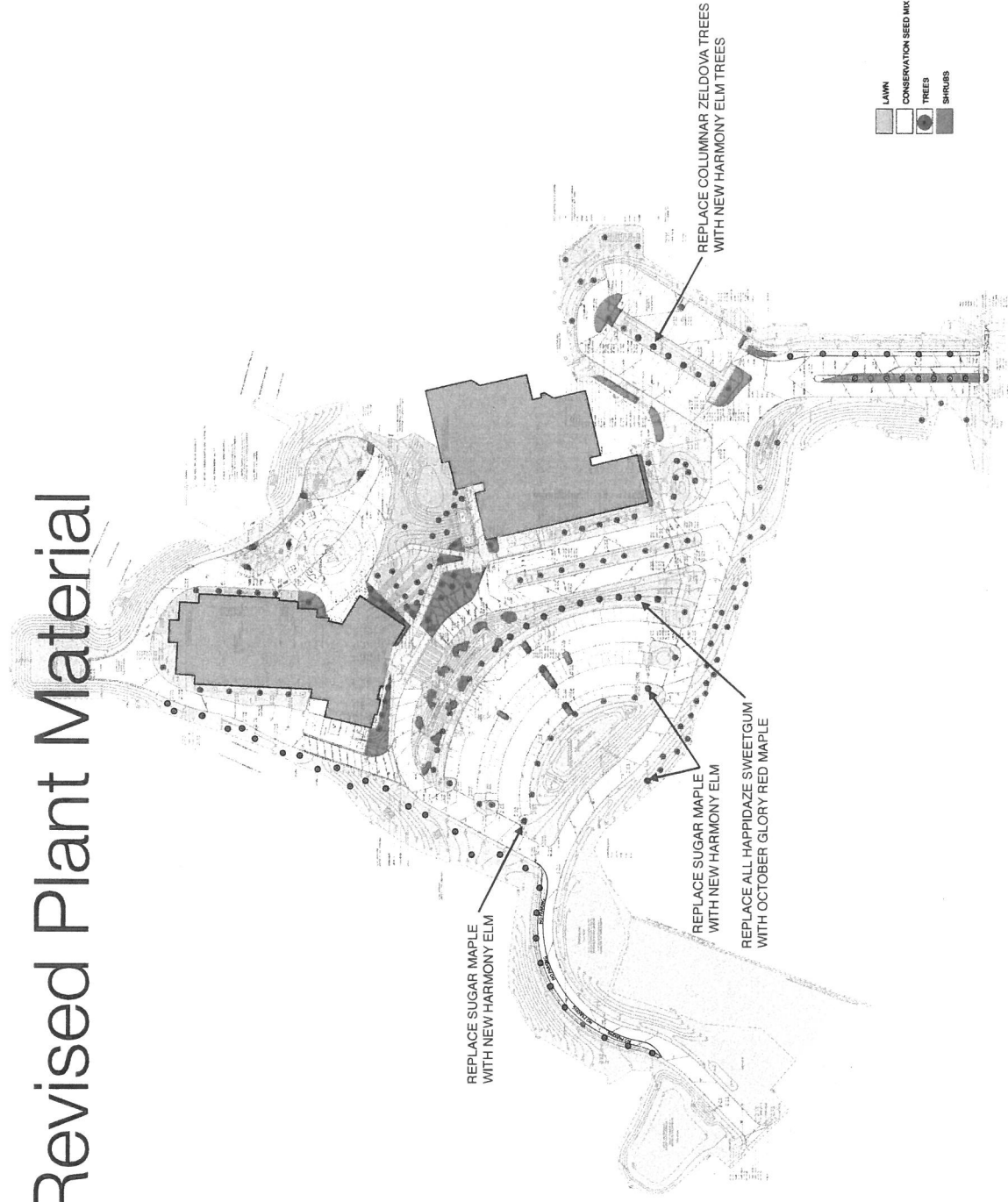
Exhibit #3:

Western Driveway – Revised Design, as presented to the Board on 01/25/2021

Exhibit #4:

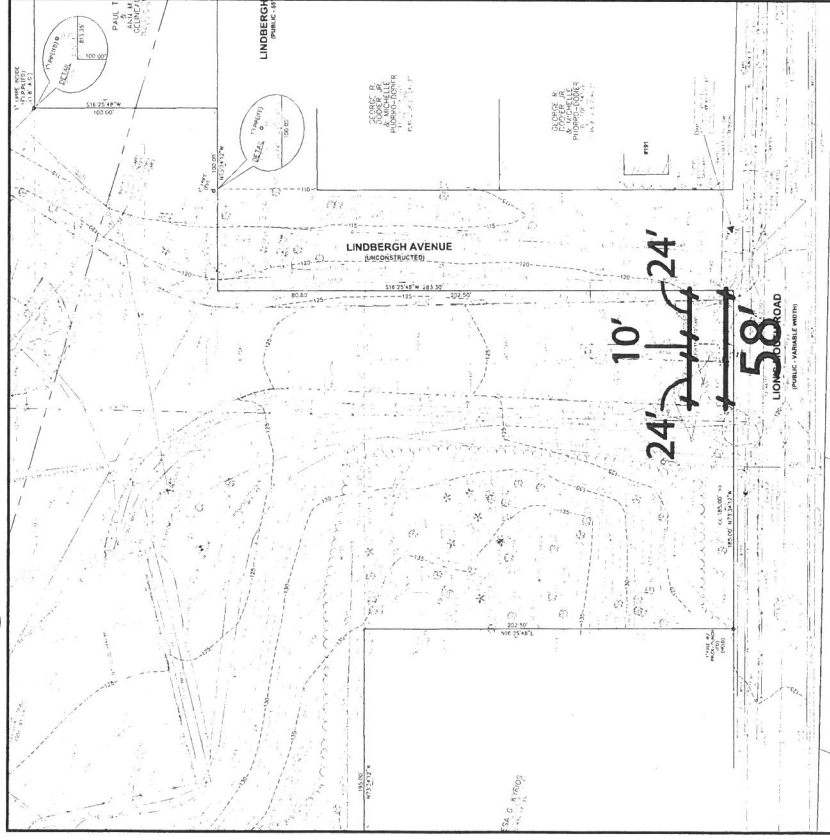
Highland Street & Friend Street Concept Plan #8 & #9, Complete Streets Prioritization Plan

Planting | Revised Plant Material

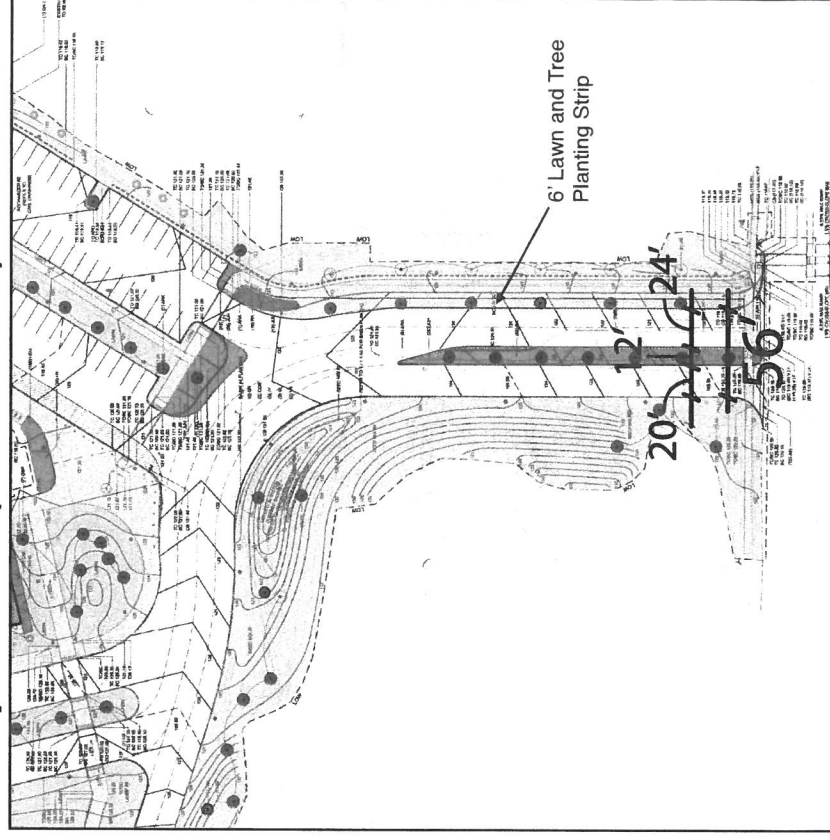


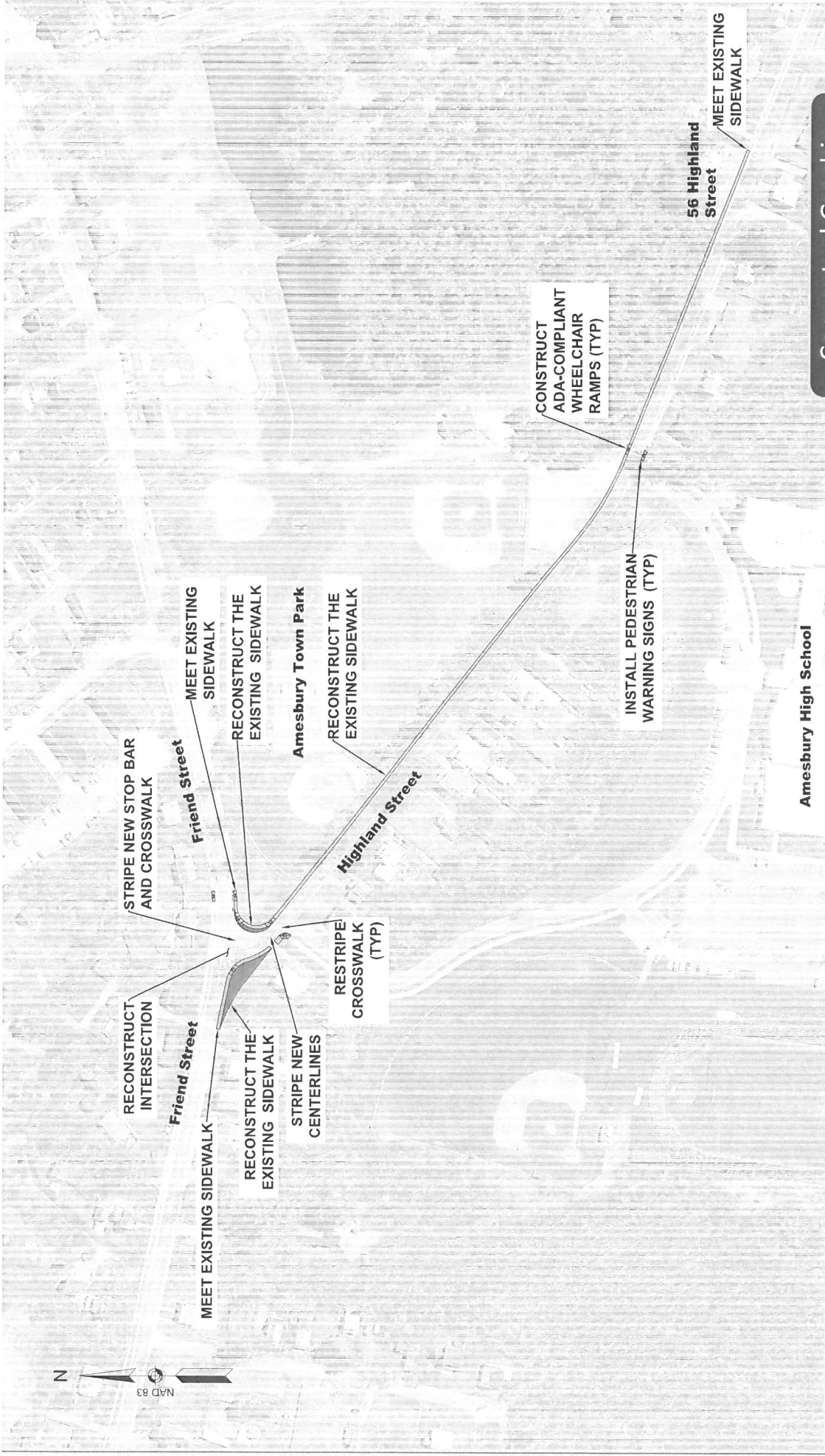
Eastern Driveway | Revised Design

Existing:



Proposed (Revised):





Conceptual Graphic

Highland Street & Friend Street Concept Plan #8 & #9
Complete Streets Prioritization Plan
Amesbury, Massachusetts

- Legend
- = ADA Detectable Panel
 - = Landscaped Area

- = Concrete Sidewalk
- = ADA Wheelchair Ramp

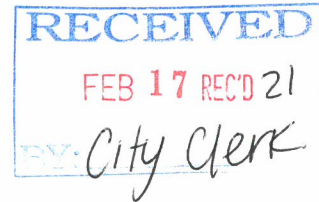
Scale: 1" = 150'
April 29, 2019



TEC, Inc.
145 Davenport Road | 169 Ocean Blvd
Andover, MA 01810 | Hampton, NH 03842

TO:

City of Amesbury
62 Friend Street
Amesbury, MA 01913



PLANNING BOARD VOTE:

On February 8, 2021, the Amesbury Planning Board voted in favor of the approval of the Site Plan, as amended, for the proposed Amesbury Elementary School and associated site improvements at 193 Lions Mouth Road in Amesbury MA subject to the findings, waivers and conditions noted in this Decision.

A large, stylized handwritten signature in blue ink, written over a horizontal line.

Filed with the City Clerk on February 17, 2021

A handwritten signature in blue ink, appearing to read "Amanda Fitzgerald", written over a horizontal line.
City Clerk